

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHAREEF CHILDS,

Plaintiff,

v.

ORDER

HANNAH RUDOLPH, HEIDI MELLEBERGER,
and CLAIRE HICKEY-WILBUR,

22-cv-572-jdp

Defendants.¹

Plaintiff Shareef Childs, appearing pro se, is an inmate at Stanley Correctional Institution. Childs alleges that prison staff retaliated against him for filing a lawsuit, including by calling him a “snitch.” I previously granted Childs leave to proceed on a variety of claims, but I did not allow him to proceed on Eighth Amendment claims for damages against defendant Hannah Rudolph for calling him a snitch or against defendants Heidi Mellenberger or Claire Hickey-Wilbur for failing to intervene after becoming aware of those remarks because Childs did not allege that he was harmed or even threatened by other inmates after being called a snitch. Dkt. 6, at 3 (“[U]nless a prisoner is challenging a failure to protect him from a serious risk of future harm’ he cannot succeed on an Eighth Amendment claim for damages ‘based on a risk that never came to pass.’” (quoting *Henry v. Deshler*, No. 20-2185, 2021 WL 2838400, at *2 (7th Cir. July 8, 2021))).

Childs has responded by filing a supplement to his complaint stating that he has been receiving threats from other inmates for being a snitch and that he is living in fear from those threats. Dkt. 6. He has also filed a motion for reconsideration of the court’s screening order.

¹ I have amended the caption to reflect defendants’ full names as given in their submissions.

Dkt. 7. Because his new allegations are enough to support Eighth Amendment claims for damages against Rudolph, Mellenberger, and Hickey-Wilbur, I will consider his supplement part of the complaint and allow him to proceed on his new claims. He did not need to file a separate motion for reconsideration so I will deny that motion as moot.

ORDER

IT IS ORDERED that:

1. Plaintiff Shareef Childs' motion to supplement his complaint, Dkt. 7, is GRANTED.
2. Plaintiff is now GRANTED leave to proceed on the following claims:
 - First Amendment retaliation and Eighth Amendment claims against defendant Rudolph.
 - Failure-to-intervene claims against defendants Mellenberger and Hickey-Wilbur.
 - An Eighth Amendment claim for injunctive relief against Mellenberger.
3. Plaintiff's motion for reconsideration, Dkt. 8, is DENIED as moot.

Entered December 19, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge